

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JAMES M. LYLE

PLAINTIFF

V.

NO. 4:05CV112-WAP-EMB

SUPERINTENDENT JAMES V. ANDERSON, ET AL.

DEFENDANTS

REPORT AND RECOMMENDATION

Upon further review of the file and record of this action, the Court finds this prisoner § 1983 action was transferred to this Court from the Southern District of Mississippi on May 3, 2005. The docket indicates there has been absolutely no activity in this case for two years. Additionally, it appears that there are at least ten defendants who either have not been served with process or have failed to respond to the Complaint. And, though the prisoner Complaint [doc. 79] was handwritten by Plaintiff, the record shows that he is represented by counsel herein.

This case has become stagnant, and it appears Plaintiff has lost interest in it. Therefore, it is my recommendation that this case be dismissed for failure to prosecute pursuant to FED.R.CIV.P. 41(b).

The parties are referred to Local Rule 72.2(D) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The parties are warned that any such objections are required to be in writing and must be filed within ten days of this date. Failure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings

and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted this, the 14th day of May, 2007.

/s/ Eugene M. Bogen
U. S. MAGISTRATE JUDGE